

STATE OF FLORIDA
SOUTH FLORIDA WATER MANAGEMENT DISTRICT

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SUNBREAK FARMS, LLC)
Petitioner,)
vs.) SFWMD No. ERP File No. 56-00111-S
SOUTH FLORIDA WATER) (Application No. 180613-16)
MANAGEMENT DISTRICT)
Respondent.)

)

1:14 pm Jun 20, 2019
**SOUTH FLORIDA
WATER MANAGEMENT DISTRICT**

LB

INDIAN RIVER COUNTY'S MOTION TO INTERVENE IN SUPPORT OF THE
SOUTH FLORIDA WATER MANAGEMENT DISTRICT

The Board of County Commissioners of Indian River County, Florida ("County") hereby moves to intervene in this case, under Rule 28-106.205, Florida Administrative Code (F.A.C.). The County supports the Proposed Agency Action (dated May 24, 2019) that was issued by the Respondent, the South Florida Water Management District (the "District"). In its Proposed Agency Action, the District announced its intent to deny the application (the "Application") filed by Petitioner, Sunbreak Farms, LLC for a modification of an existing Environmental Resource Permit (ERP No. 56-00111-S) pertaining to property located at 5101 Minute Maid Rd., Ft. Pierce, in both St. Lucie

County and Indian River County (the "Property"). In support of this motion, the County states as follows:

1. The County is a political subdivision of the State of Florida and its main office is located at 1801 27th Street, Building A, Vero Beach, Florida 32960, with a telephone number of 772-567-8000. For the purposes of this proceeding, the County's address, telephone number, fax number and email address are as follows: Dylan Reingold, County Attorney, County Attorney's Office, 1801 27th Street, Building A, Vero Beach, Florida 32960, 772-226-1427 (phone), 772-569-4317 (fax) and dreingold@ircgov.com. The County owns land and operates various facilities located in the unincorporated areas of the County. The County also is responsible for the protection of the public health, safety, and welfare in the unincorporated areas of the County.

2. The Petitioner, who had filed the Application, is Sunbreak Farms, LLC, whose address is 5101 Minute Maid Rd., Fort Pierce, FL, 34945-4351.

3. Respondent, the District, is a regional governmental agency, whose address is 3301 Gun Club Road, West Palm Beach, FL 33406. The telephone number for the District is (561) 686-8800.

4. On June 11, 2019, Petitioner filed a Petition for Formal Administrative Hearing (the "Petition").

Statement of Position and Substantial Interest Affected

5. The County supports the District's Proposed Agency Action.

6. If the Application is approved, the Petitioner will be authorized to construct and operate a Type I Biosolids Management Facility (the "Proposed Facility") in unincorporated areas of St. Lucie County and Indian River County, Florida. The Proposed Facility will accept and process "biosolids," which is defined to mean the "solid, semisolid, or liquid residue generated during the treatment of domestic wastewater in a domestic wastewater treatment facility. ." (formerly known as residuals). See Rule 62-640.200(6), F.A.C. More specifically, the Proposed Facility will receive and process Class B biosolids, other organic wastes (e.g., chicken and animal manure), and bulking agents to produce up to 80,000 dry tons per year of Class AA biosolids. To produce this quantity of Class AA biosolids, it appears the Proposed Facility may receive up to 100,000 wet tons of biosolids each year.

7. In the Application, the Petitioner seeks authorization to modify an existing Environmental Resource Permit, which would allow for the construction and operation of a stormwater management system that would attempt to collect, retain and infiltrate the stormwater and leachate generated by the Proposed Facility.

8. The Property on which the Proposed Facility will be constructed and operated is approximately 6,580 acres in size and is located in the unincorporated areas of both St. Lucie County and Indian River County. Surface water runoff and other discharges from the Site will drain into the C-25 canal and into the Indian River Lagoon (the "Lagoon"). The Lagoon has been designated as an "impaired water" by the Department. The poor water quality in the Lagoon is caused in part by excessive amounts of nitrogen and phosphorus that drain into the Lagoon from upstream areas, including agricultural lands. Due to the excessive amounts of nitrogen and phosphorus, the Lagoon has experienced major algae blooms in recent years. These algae blooms have been unprecedented in their scope and severity, causing large areas of the Lagoon to be covered in thick mats of toxic blue-green algae. The impacts were devastating to the local ecosystems and dramatically reduced the use of the Lagoon for fishing, boating, and other recreational purposes.

9. While a majority of the Proposed Facility will be located in St. Lucie County, approximately 1,500 acres of the Proposed Facility will be located within the County.

10. The County is concerned the Proposed Facility will have significant adverse impacts on the County, its property, and the natural resources located in the County, including but not limited to the Lagoon. The County has spent millions of

dollars constructing and operating facilities that return the Lagoon to health by combatting these types of adverse impacts.

11. Additionally, the County owns 34.13 acres of property on 17th Street S.W. and 94th Avenue S.W., directly adjacent to the Property. The operation of the Proposed Facility on the Property, including but not limited to those described in the Application, could have a direct impact on the County's property.

Adoption of Issues

12. County's interests will be affected if the Application is approved for operations within the County's geographic area.

Compliance Statement

13. As required under Rules 28-106.205(2)(e) and 28-106.204(3), F.A.C., the undersigned counsel for the County has conferred with all parties of record, and the Petitioner objects to the County's intervention in this proceeding and Respondent has no objection to filing of the Motion.

WHEREFORE, the Board of County Commissioners of Indian River County respectfully requests the District to grant this Motion and thereby allow the Count to intervene in this administrative proceeding.

Respectfully submitted this 20th day of June, 2019.

INDIAN RIVER COUNTY


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